MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

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September 6, 2011

Via E-Mail and U.S. Mail

David Wampler
United States Environmental Protection Agency
CWA Compliance Office (WTR-7)
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Re: Confidential Business Information Claim for Exhibits Submitted In August 1, 2011 Responses to EPA's Request for Information, EPA Docket No. CWA 308-9-11-003

Dear Mr. Wampler:

I am responding on behalf of Waste Management of Hawaii, Inc. ("WMH") to your August 26, 2011 email to Joseph Whelan. Pursuant to 40 CFR Section 2.203(b), WMH hereby asserts a confidential business information claim with respect to the documents that were submitted as Exhibits 142(a)- (f), WMH bates numbers 0003869-0004337, in its August 1, 2011 Responses to the U.S. EPA's May 6, 2011 Request for Information in the above referenced docket.

Please contact me if you need any further information or clarification regarding the above claim of business confidentiality.

Very truly yours,

McCORRISTON MILLER MUKAI MacKINNON LLP

Lorraine H. Akiba

LHA/ej

cc: Joseph Whelan

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Five Waterfront Plaza, 4th Floor • 500 Ala Moana Boulevard • Honolulu, Hawaii 96813
Telephone: (808) 529-7300 • FAX: (808) 524-8293

WASTE MANAGEMENT OF HAWAII
92-460 Farrington Highway
Kapolei, Hawaii 96707
(808) 668-2985

August 1, 2011

David Wampler
U.S. Environmental Protection Agency, Region 9
CW A Compliance Office (WTR -7)
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Waimanalo Gulch Sanitary Landfill, Information Request
EPA Docket No. CW A 308-9-11-003

Dear Mr. Wampler:

Enclosed please find Waste Management of Hawaii, Inc.'s response to EPA's Section 308(a) Request for Information ("RFI") dated May 6, 2011.

Waste Management appreciates EPA's willingness to extend the deadline for submitting this response until August 1, 2011. We also appreciate EPA's willingness to allow Waste Management to continue its review to determine whether any additional documents are responsive to the RFI and then produce to EPA such additional responsive documents as they are identified.

If you have any questions about this response, please contact William McCorriston at the law firm of McCorriston Miller Mukai MacKinnon LLP. Mr. McCorriston's number is (808) 529-7401.

Sincerely,

Joseph R. Whelan
General Manager
Waste Management of Hawaii, Inc.

Enclosures

252516.1

McCorriston Miller Mukai MacKinnon LLP

ATTORNEYS AT LAW

TRANSMITTAL LETTER

VIA UPS

To: David Wampler
United States Environmental Protection Agency
CWA Compliance Office (WTR-7)
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Date: August 1, 2011

From: Lorraine H. Akiba, Esq.

Re: Waste Management of Hawaii; Waimanalo Gulch Sanitary Landfill

Copies	Date	Description
Original	08/1/11	EPA RFI Response
1 CD		Exhibits to EPA RFI Response
1		Index of Exhibits to August 1, 2011 WMH Responses to EPA RFI dated May 6, 2011

TRANSMITTED FOR:

- ☑ Your information and files
- ☐ Your signature and return
- ☐ Your signature and forwarding as noted below
- ☐ Per our conversation
- ☑ For necessary action
- ☐ Returning to you
- ☐ Your review and comment
- ☐ Per your request
- ☐ See remarks below

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL

REMARKS:

WASTE MANAGEMENT OF HAWAII, INC.'S RESPONSES TO U.S. ENVIRONMENTAL PROTECTION AGENCY'S MAY 6, 2011 REQUEST FOR INFORMATION

General Objections

Waste Management of Hawaii, Inc. ("WMH") objects to the U.S. Environmental Protection Agency's ("EPA") Request for Information, dated May 6, 2011 ("RFI") on the following grounds:

1. The terms referenced in the RFI are vague and ambiguous.
2. The scope of the requests in the RFI is unduly burdensome and overly broad, and the RFI seeks information that is not relevant to the storm water related operations and activities.
3. The RFI seeks the disclosure of confidential and/or proprietary information.
4. The RFI seeks the disclosure of information or documents protected by the attorney-client privilege, work product doctrine, and other applicable privileges provided by statute, rules and common law.
5. The RFI calls for speculation.
6. The RFI and WMH's responses are subject to the rules and policy directives regarding concurrent criminal and civil investigations of the same subject matter and/or parties.

Subject to and without waiving or limiting these objections, WMH responds to the RFI as follows. The responses are made without prejudice to WMH's right to amend or supplement its responses. WMH is still in the process of gathering information and documents responsive to the RFI and reserves the right to supplement its response, as needed.

Responses to RFI

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1. Provide the date that construction of E-6 began and the date it was completed.

Response: Construction of Cell E-6 began on or around November 30, 2009. The initial phase of Cell E-6 was completed on or around October 6, 2010, as documented by *Construction Quality Assurance Report for Cell E-6 (Partial), AECOM, October 2010.* See enclosed Exhibit "1." The construction of Cell E-6 is not yet completed.

a) Provide all records of communications between WMH, the City and County of Honolulu and/or the Hawaii Department of Health regarding the construction of E-6.

Response: Communications between WMH, Department of Health ("DOH") and the City and County of Honolulu ("City or CCH") were often oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. See enclosed Exhibits "2" – "15", "31", and "36."

2. *Provide the date that waste was accepted into Cell E-6.*

Response: Any initial acceptance of waste into Cell E-6 was authorized and approved by DOH and began on or around October 22, 2010.

a) *Provide the name, title, and association of person or persons who authorized this activity. This includes, but is not necessarily limited to, persons associated with or employed by WMH, the City and County of Honolulu, and the Hawaii Department of Health Services.*

Response: WMH objects to the term "activity" as vague and ambiguous. To the extent the term "activity" refers to initial acceptance of waste into Cell E-6 on or around October 22, 2010, such activity was approved and authorized by Steven Y.K. Chang, PE, Chief Hawaii State Department of Health Solid and Hazardous Waste Branch ("SHWB"). See enclosed Exhibit "2."

b) *Provide all records of communication between Waste Management Hawaii, the City and County of Honolulu and/or the Hawaii Department of Health regarding the acceptance of waste into E-6.*

Response: WMH objects to the phrase "acceptance of waste" as vague and ambiguous and objects to this request as overbroad and vague as to scope and time. WMH responds to this request based on the understanding that the phrase "acceptance of waste" refers to the initial acceptance of waste into Cell E-6 on or around October 22, 2010. See enclosed Exhibits "2", "15", "22", "36", "45" - "46", "81", and "82." WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

3. *Describe the status of the Western Diversion System when waste was first accepted into E-6 and any changes to the status of the Western Diversion System following the initial acceptance of waste.*

Response: WMH objects to the terms "status," "waste," "first accepted," and "changes to the status" as vague and ambiguous and objects to the request as overbroad and vague as to scope and time. Waste was first placed into Cell E-6 on Friday, October 22, 2010. On or around October 22, 2010, or thereafter, the following components of the Western Diversion System were in place, including but not limited to: lean concrete foundation for the diversion structure; trench excavation and placement of the six and a half foot diameter fiberglass reinforced pipe ("FRP") from the south end of the west stability berm to the north; 36-inch diameter High Density Polyethylene ("HDPE") temporary storm water removal pipe from the south end of the west berm north to the southern end of Cell E-7, where it emerged into a 36-inch open drainage port with metal grating; and the existing concrete storm water conveyance system, located at the south end of the west berm, collecting drainage from the FRP and HDPE pipes. See enclosed Exhibit "49" for design features of the Western Diversion (Western Bypass) system. Other construction documents containing design features may include enclosed Exhibits "54", 133", and "134."

Currently, the up-canyon diversion structure is complete and directs storm water into the Box Culvert. The Box Culvert is a 1,200-foot long concrete structure, having a cross section dimension of 10-foot by 10-foot. See enclosed Exhibit "48." The trench excavation and concrete flooring, walls and ceiling for this channel are now complete. Consequently all 1,190

linear feet ("lf") of the concrete diversion structure is complete. The transition from the Box Culvert to the FRP pipe is complete. The FRP pipe installation from the referenced transition to the south end of the stockpile area located near the Hawaiian Electric Company ("HECO") access bridge is complete. The west side diversion channel became functionally complete on February 15, 2011. See enclosed Exhibit "67."

Additional details regarding the construction of the Western Diversion System are included in the construction documents. See Exhibit "1", "54", 133", and "134."

a) Provide design documents and design rationale for the entire system, including the diversion structure and the proposed outlet.

Response: WMH objects to the terms "entire system" and "proposed outlet" as vague and ambiguous and objects to the request as overbroad and vague as to scope and time. The design rationale for the entire Western Diversion (Western Bypass) system, including the diversion structure and proposed outlet was presented in the March 2011 Surface Water Management Plan ("SWMP") prepared by GEI Consultants, Inc. ("GEI"). See enclosed Exhibit "48." The SWMP was also submitted concurrently to the EPA in March 2011. The design rationale for the Western Bypass System is to divert, convey and discharge up-canyon storm water from Waimanalo Gulch around the Landfill, including 24-hour, 25-year magnitude storms. The 24-hour, 25-year design criteria is stated in the June 2010 Solid Waste Management Permit for the site (Permit Number LF-0182-09), issued by the State of Hawaii Department of Health. See Exhibit "47."

The various design features of the Western Diversion (Western Bypass) system components are presented in the Western Surface Water Drainage Project Report, prepared by GEI in June 2009 and updated in November 2009. See enclosed Exhibit "49."

b) Provide the date when construction activity commenced.

Response: November 30, 2009.

c) Provide a schedule for the completion of the system, including the proposed outlet and associated stilling basin.

Response: WMH objects to the terms "system," "outlet," and "stilling basin" as vague and ambiguous. The preliminary schedule for completion of the Western Diversion (Western Bypass) system, including the lower portion of the system and stilling basin area is enclosed as Exhibit "54."

i) Describe modifications (if any) made to the existing detention basin to accept additional flow directed into the basin from the Western Diversion Structure. Provide design documents and design rationale for any such modifications.

Response: WMH objects to the terms "modifications" and "additional flow" as vague and ambiguous and objects to the request as overbroad and vague as to time. The referenced Western Diversion structure is the upstream component of the Western Diversion (Western Bypass) system for the Landfill. There were no modifications made to the existing sedimentation detention basin for the purposes of accepting additional flow from the Western Diversion Structure because no additional flow was anticipated from the Western Diversion Structure into the sedimentation basin. See enclosed Exhibits "48", "49", and "55."

ii) *Provide all records of communication between Waste Management Hawaii, the City and County of Honolulu and/or the Hawaii Department of Health regarding any such modifications.*

Response: WMH objects to the term "modifications" and objects to the request as overbroad as to time. Communications with WMH, DOH and the City were often oral. See enclosed Exhibits "103" – "104" for written communications. WMH reserves the right to provide additional exhibits responsive to this request, if any, as discoverable, non-privileged documents are located.

d) *Describe the temporary diversion structure in place in December 2010.*

Response: WMH objects to the term "in place" as vague and ambiguous. On or around December 2010, two drainage pipes (18-inch and 36-inch diameter pipes) were installed in a north-south direction below Cell E-6 (Partial). Surface water run-off from the unlined expansion construction area to the north of Cell E7 and E8 flowed into a three foot by three foot rebar cage inlet (with 4-inch spacing between the rebar) that entered the 36-inch diameter HDPE pipe and eventually discharged into the site's existing sedimentation detention basin. On or around December 2010, approximately 850-lf of the 36-inch pipe were installed. The 18-inch pipes were installed as auxiliary drainage lines that were designed to drain the multiple benches in the western lined slope of Cell E-6 via drop inlets. These 18-inch pipes discharge into the 36-inch diameter HDPE pipe. This system was supplemented by the construction of temporary directional berms that were built to further promote run-off to flow into the inlet located in the vicinity of future Cell E7. See Western Surface Water Drainage Project Drawings by GEI Consultants (GeoSyntec 2010), enclosed as Exhibits "10"–"14."

e) *Provide all records of communication between Waste Management Hawaii, the City and County of Honolulu and/or the Hawaii Department of Health regarding the Western Diversion System design.*

Response: Communications between WMH, DOH and the City were often oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. See enclosed Exhibits "51" and "52" for written communications.

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4. *Provide design specifications for detention basin, including its design storage capacity and current storage capacity.*

Response: The City designed the original sedimentation detention basin and storm water diversion system for the Landfill. See enclosed Exhibit "59." WMH has not located copies of the original design specifications for the detention basin.

a) *Describe any changes that have been made to the detention basin since it was built. Provide design documents and design rationale.*

Response: WMH objects to the term "changes" as vague and ambiguous. WMH restricts its response to this request to any changes that WMH may have made to the existing sediment detention basin. In late 2006, WMH installed a subdrain and berm system in the sedimentation detention basin to improve its performance by increasing the basin's ability to handle sediment loads from storm water. See *Phase 1 Interim On-Site Drainage Measures Plans, Earth Tech, 8/1/06* for further details, enclosed as Exhibit "56."

b) *Provide all maintenance activities performed on the detention basin in the past three years, including sediment or liquid removal.*

Response: WMH objects to the term "maintenance activities" as vague and ambiguous. Annually in March or April, WMH would do a visual assessment of the sediment detention basin. During April 2009, several feet of silt, resulting from build up during the wet season, were removed from the north end of the sedimentation detention basin. No storm water was actively pumped from the basin during that cleanout event. On, around, or after February 15, 2011, WMH cleaned out and restored the sedimentation basin to its design function and capacity, pursuant to the ongoing basin restoration project.

c) *Provide all sampling data for samples taken from the sediment basin or samples taken from discharges of pollutants from the sediment basin.*

Response: WMH objects to the phrases "samples taken from the sediment basin" and "discharges of pollutants" as vague and ambiguous and objects to the request as overbroad and vague as to scope and time. With respect to samples taken from the sediment basin, see enclosed Exhibits "19", "44", "126", "140", and "145." With respect to samples taken from discharges from the sediment basin, the only sampling data are those samples taken pursuant to the NPDES permit. See enclosed Exhibits "105"–"126."

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5. *Describe, and provide the date of, all changes made to the Storm Water Pollution Control Plan (SWPCP) to address alterations to the landfill necessary to allow for the operation of E-6.*

Response: No changes were made to the SWPCP to address alterations to the landfill necessary to allow for the operation of E-6.

a) *Describe and provide documents of any communications between WMH and DOH Clean Water Branch regarding the SWPCP between August 2010 and the present.*

Response: DOH requested that WMH revise the SWPCP following completion of the Western Drainage Bypass System. See enclosed Exhibits "15," "48," "50," and "57"–"76." WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

b) *Describe and explain difference between the January 2009 SWPCP and the April 2011 SWPCP.*

Response: WMH objects as overly burdensome and overbroad as to scope. The January 2009 SWPCP was updated and reissued in April of 2011. To accurately describe all differences, WMH would need to provide a line-by-line comparison, which would be cumbersome in this response. In summary, the 2011 SWPCP differences include, but are not limited to, the following: reference to the new August 30, 2010 NPDES permit, which identifies the discharge point as Waimanalo Gulch Stream; updated sampling parameters, sampling locations, and effluent limits; updated expansion area cell layout, drainage features, and topography on the site layout map; updated site drainage features figure and site drainage map to include the expansion drainage features; addition of the E-6 leachate collection and removal system ("LCRS"); updated potential pollution sources to reflect NPDES language; and updated Storm Water Pollution Control Team.

c) *Describe in detail any changes made to the SWPCP at any time to address the diversion of storm water around the landfill to accommodate the expansion of the landfill to include cell E-6 including incorporation of berms, the temporary diversion structure in place in 2010 and the permanent diversion structure completed in 2011.*

Response: Please see the responses to requests 5(a) and (b) above.

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6. *Provide a description of any and all piping running beneath E-6, including the 36-inch pipe, including original design functions and all other uses to which they have been put. Provide design schematics and describe all inflow and discharges from the pipe.*

Response: WMH objects to this request as vague, ambiguous and overbroad. The purpose of the 36-inch pipe is to convey run-off from undeveloped portions of the Cell E-6 through E-9 area to the existing concrete channel and sedimentation detention basin located to the south of the Landfill. Surface water run-on from unlined areas north of the current E-6/E-7 Landfill development also flows into the 36-inch pipe via an inlet at the periphery of Cells E-7 and E-8. The 36-inch pipe is designed to convey peak flows from a 24-hour 25-year event occurring within undeveloped Landfill areas. The maximum flow capacity of the temporary 36-inch pipe is approximately 150 cfs.

There is also an 18-inch diameter HDPE pipe buried down drain with drop inlets at the western periphery of Cell E-6. The 18-inch pipe functions to convey future flows from the unlined portions of the E-6 through E-8 side slopes on the west side of the Landfill expansion into the 36-inch temporary drainage pipe beneath Cell E-6. Schematics of the 36-inch temporary drainage pipe and 18-inch down drain pipes are presented on Figure 5 of the 2011 SWMP. See enclosed Exhibit "48." In addition, see response to request (3)(d) above.

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7. *Describe the leachate collection system under E-6 as it was from October 2010 to present. Provide design drawings for the leachate collection system and discuss any difference between the design drawings and the leachate collection system as built. Discuss any circumstances during which the leachate collection system did not function as designed.*

Response: WMH objects to the phrase "circumstances during which the leachate collection system did not function as designed" and the term "leachate collection system" as vague and ambiguous and overbroad as to scope and time. The LCRS was constructed in accordance with the approved drawings and specifications. Some of the minor changes between the design drawings and the as-built conditions are documented in the report entitled *Construction Quality Assurance Report for Cell E-6 (Partial), Waimanalo Gulch Landfill, Kapolei, Oahu, Hawaii* (CQA report) dated October 2010 prepared by AECOM. There was only one significant change made to the LCRS during construction. Based on work done by Brachman and others during construction of the LCRS, gradation material was changed to reduce potential stresses on the underlying 60-mil HDPE geomembrane. See Exhibits "1", "31" – "33", "35", "37", "39", and "40" – "42".

In general, on or around October 2010, the LCRS on the floor of Cell E-6 consisted of a minimum one-foot thick gravel layer (1.5-inch maximum particle size) overlain by a two-foot thick operations layer (2-inch maximum particle size) and a perforated leachate collection pipe. On the side slopes, the LCRS consisted of a minimum two-foot thick operations layer (2-inch

maximum particle size). See enclosed Exhibits "1" and "11." The leachate riser pipes were located in the northern portion of an area in Cell E-6 excavated to construct Phase III of the west stability berm.

On or around December 19, 2010, a severe rain event caused storm water to accumulate in the excavated area. WMH instructed the onsite contractor to remove the LCRS electric panel and storage tank from the excavated area and relocate them to higher ground to prevent damage from flooding. At this point, the Cell E-6 LCRS became nonfunctional. On or around February 18, 2011, the LCRS was reinstalled and operable. See enclosed Exhibits "96" and "128".

8. *Provide documentation of all data from the rain gage on site from June 2010 to present.*

Response: Documents responsive to this request are enclosed herewith as Exhibits "79" – "80." Please also see the rain gage data from the Palehua Rain gage at http://www.prh.noaa.gov/hnl/hydro/pages/rra_graphs.php?station

a) *Describe the type of rain gage and describe how it is used, including how often it is checked and emptied and how records of the rain data are maintained.*

Response: The rain gage used at the Landfill is manufactured by Davis Weather Instruments. The gage is composed of a tipping bucket and an electronic monitoring system. This system monitors rainfall automatically and records it electronically. The gage is checked weekly to verify operation and empties as rain fills the tipping bucket. Records are maintained in both electronic and hardcopy.

9. *Describe the "established practices" for pumping storm water as stated in the January 12, 2011 letter to DOH.*

Response: WMH objects to the request as calling for speculation and objects to the term "established practices" as vague and ambiguous. WMH does not have a copy of any letter dated January 12, 2011 to DOH. WMH was copied on a January 13, 2011 letter from Tim Steinberger of the City to DOH, which appears to be identical in content to a January 12, 2011 draft letter. WMH's response is based on the January 13, 2011 letter. Since WMH did not draft the January 13, 2011 letter, WMH does not know what Tim Steinberger intended by the term "established practices." WMH's practice has been to comply with the Landfill's NPDES permit and Solid Waste Permit requirements.

a) *Describe each event where pumping or otherwise removing storm water from the site occurred from January 1, 2006 to the present. Provide the actual or if unknown, an estimate, of volumes of liquid discharged or removed, the length of time for each event, and all documents surrounding the "established practices."*

Response: WMH objects to the terms "otherwise removing," "liquid discharged or removed" and "established practices" as vague and ambiguous and objects to the request as calling for speculation, overbroad, and vague as to scope and time. To WMH's knowledge, no pumping or other removal of storm water from the site occurred from January 1, 2006 to present, other than the pumping which occurred in connection with the December 19-20, 2010 storm and the January 12-13, 2011 storm. Storm water naturally discharged through the permitted outfall on other occasions in compliance with the NPDES permit. See enclosed Exhibits "84"-"85," "87," "99," "100," "129," and "131" for pumping logs documenting the pumping of storm water from the January 12-13, 2011 storm event.

b) Provide any sampling data for these liquid discharges. If no data exists, so state.

Response: WMH objects to the term "liquid discharges" as vague and ambiguous. With respect to the sampling of the December 19-20, 2010 and the January 12-13, 2011 storm water discharges, WMH orally notified DOH and also provided the written results and reports of the sampling to DOH shortly after they were received by WMH. See enclosed Exhibits "127" and "135"-"139."

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10. Describe and provide documentation regarding communications between WMH and Waianae Waste Water Treatment Plant (WWTP) or Kailua WWTP between January 1, 2006 and April 30, 2011. Provide manifests and sampling data for any material taken to either WWTP during this time period. If you are not in possession of sampling data, state who has possession.

Response: WMH objects to this request as vague and ambiguous as to scope and subject matter. The terms "any material" are also vague and ambiguous. To the extent the request seeks information about "leachate," typically leachate is hauled to the WWTP several times per week as part of normal landfill operations. A third party contractor is responsible for obtaining any required permits for discharge and for hauling the leachate to authorized discharge points connected to the WWTP. WMH does not communicate directly with the WWTPs. Leachate samples are taken several times per year as part of WGSL's Solid Waste Permit requirements. See enclosed Exhibits "135"-"139."

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11. Provide details regarding the storm event on or around 12/10/10, including but not limited to the following:

Response: WMH objects to this request as calling for expertise in storm events. To the best of WMH's knowledge, on or around the evening of December 9, 2010, the Landfill began getting rainfall. The rain continued until just after noon on December 10, 2010 after a total of 1.45 inches of rain fell as measured by the rain gage located at the site.

a) Describe temporary diversion structure performance and provide records of any inspections performed. If inspections were not conducted or records do not exist, so state.

Response: WMH objects to the term "inspections" as vague and ambiguous and objects to the request as overbroad and vague as to scope and time. The temporary diversion structure, consisting of the 36-inch HDPE storm water conveyance pipe, was functional on or around December 10, 2010. The temporary diversion structure handled all water associated with this rain. No inspections were performed on the temporary diversion structure on or around December 10, 2010.

b) Other than water directly falling on E-6, did any water enter E-6?

Response: WMH objects to the phrase "any water enter" as vague and ambiguous and objects to the request as overbroad and vague as to scope and time. Other than rain water directly falling on the cell, WMH is not aware of any water entering E-6.

i) If so, estimate the amount of liquid contained by E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous. Not applicable.

ii) If so, describe all practices used to remove liquid from E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous. Not applicable.

iii) Describe the status of the daily or intermediate cover placed over the waste in E-6.

Response: WMH objects to the term "status" as vague and ambiguous. To the best of WMH's knowledge, on or around December 10, 2010, daily or intermediate cover was applied and in place on Cell E-6, as required by and in compliance with, the WGSL Solid Waste Permit.

c) Describe the effect (if any) on the leachate collection system. If no effect, so state.

Response: WMH objects to the term "effect" as vague and ambiguous. On or around December 11, 2010, the leachate sump in Cell E-6 filled quickly as a result of heavy rains, and offsite hauling increased until compliance levels were achieved. See enclosed Exhibit "88."

d) Describe and provide documentation regarding communications between WMH and CCH regarding this storm event.

Response: WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

e) Describe and provide documents of any communications between WMH and DOH regarding this storm event.

Response: Communications with DOH and WMH were often oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. On or around December 13, 2010, WMH reported to DOH that the leachate sump in Cell E-6 filled quickly as a result of heavy rains on December 11, 2010, and offsite hauling increased until compliance levels were achieved. See enclosed Exhibit "88."

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12. Provide details regarding the storm event on or around 12/19/10, including but not limited to the following:

Response: WMH objects to this request as calling for expertise in storm events. To the best of WMH's knowledge, a 10.44-inch rain event, as measured by the Palehua rain gage, occurred on or around December 19, 2010, in the vicinity of the Landfill. Storm water accumulated on top of Cell E-6 and overtopped the berm located at the northern end of Cell E-6 on or around 8:30-9:30 AM. The area located to the south of Cell E-6, which had been excavated in order to construct Phase III of the west stability berm, filled with water. On or around December 19, 2010, WMH acted to prevent the potential failure of the west berm, including but not limited to, instructing the contractor to construct a berm on top of the existing west berm in order to provide additional capacity to hold the rising storm water. The rising water level was in danger of overtopping the existing portion of the west berm, causing a potential berm failure, which had the potential to release storm water on to the neighboring Kahe power plant.

a) Describe temporary diversion structure performance and provide records of any inspections performed. If inspections were not conducted or records do not exist, so state.

Response: WMH objects to the term "inspections" as vague and ambiguous. On or around December 19, 2010, the storm water diversion berm located on the northeast side of Cell E-6 failed, allowing storm water to flow onto Cell E-6. Additionally, the inlet to the 36-inch pipe, which was located north of this Cell E-6 berm, had become congested with rocks and sediment. Due to the storm, no inspections could be made in this immediate area on or around December 19, 2010. Subsequent inspections were made of the temporary diversion structure to ascertain if any damage or maintenance was necessary, prior to the rain event on or around January 13, 2011.

b) Describe the effect (if any) on the leachate collection system. If no effect, so state.

Response: WMH objects to the terms "effect" and "leachate collection system" as vague and ambiguous. On or before December 19, 2010, the Cell E-6 leachate riser removal system was disconnected and relocated to higher ground to prevent damage from the rising water levels. The integrity of the LCRS for other cells at the Landfill was not affected by the storm.

c) Other than water directly falling on E-6, did any water enter E-6?

Response: WMH objects to the phrase "any water enter" as vague and ambiguous. To the extent this request refers to water entering the footprint of Cell E-6, water did enter Cell E-6 on or around December 19, 2010. See enclosed Exhibit "90."

i) If so, estimate the amount of liquid contained by E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous. WMH cannot reasonably estimate the amount of liquid that may have been contained in Cell E-6.

ii) If so, describe all practices used to remove liquid from E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous. WMH pumped storm water from Cell E-6 into a manhole that directed the water to the sediment basin.

iii) Describe the status of the daily or intermediate cover placed over the waste in E-6.

Response: WMH objects to the term "status" as vague and ambiguous. Prior to the December 19, 2010 storm event, daily cover consisting of a minimum of six inches of soil was placed over the compacted waste material at the end of daily operations. After the December 19, 2010 storm event, no waste was accepted into Cell E-6, no disposal activities were conducted in Cell E-6, and no cover was placed onto Cell E-6, because Cell E-6 was inundated with water.

d) Describe the performance of the 36-inch pipe.

Response: Prior to December 19, 2010, GBI did some cleanup work to the 36-inch pipe and restored it to its design functionality. On or around December 19, 2010, during the storm event, the inlet to the 36-inch pipe became congested with rocks and sediment.

e) Describe any decision made to increase or decrease berms in or around E-6 during the storm event. Describe conversations and provide all available documentation.

Response: WMH objects to the phrase "describe any decision" as vague and ambiguous. On or around December 19, 2010, WMH acted to prevent the potential failure of the west berm,

including but not limited to, instructing the contractor to construct a berm on top of the existing west berm in order to provide additional capacity to hold the rising storm water.

f) Describe and provide documentation regarding communications between WMH and CCH regarding this storm event.

Response: Communications between WMH and the City were both often oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. See enclosed Exhibits "18", "23", "25 – 30", "34", "38", "43", "53" and "96."

g) Describe and provide documents of any communications between WMH and DOH regarding this storm event.

Response: See emails to DOH, enclosed as Exhibits "89"-"91." WMH also recently submitted responses to the DOH Clean Water Branch ("CWB") Request for Information on April 21, 2011, which also produced documents and communications to DOH. See enclosed Exhibits "127," "127a," and "127b." WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

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13. Provide details regarding the storm event on or around 12/28/10, including but not limited to the following:

Response: WMH objects to this request as calling for expertise in storm events. To the best of WMH's knowledge, on or around the evening of December 27, 2010, a total of 5.68 inches of rain fell on the Landfill site and the surrounding area including the area up-canyon of the Landfill in about three hours time, as measured by the Palehua rain gage.

a) Describe the activities, if any, WMH conducted to prepare for the rain event and provide records of any inspections performed. If inspections were not conducted or records do not exist, so state.

Response: WMH objects to the terms "prepare for the rain event" and "inspections" as vague and ambiguous. WMH's general contractor Goodfellow Brothers Inc. ("GBI") was continuing typical site cleanup work to address areas impacted from the previous storm. DOH personnel from SHWB and CWB may have been onsite prior to the December 27, 2010 storm, and DOH records would indicate any inspections conducted by DOH personnel at the site prior to the storm event. WMH did not conduct any inspection on or around December 27, 2010; however, WMH may have conducted inspections at a later date to assess damage to the site from storms.

b) Describe the effect (if any) on the leachate collection system. If no effect, so state.

Response: WMH objects to the terms "effect" and "leachate collection system" as vague and ambiguous. The LCRS in Cell E-6 was not operable on or around December 27-28, 2010, due to the effects of the December 19-20, 2010 storm event.

c) Other than water directly falling on E-6, did any water enter E-6?

Response: WMH objects to the term "any water enter" as vague and ambiguous. On or around December 27-28, 2010, storm water overtopped the containment berm that was

constructed to contain any up-canyon water, and the storm water flowed onto Cell E-6. See enclosed Exhibit "89."

i) If so, estimate the amount of liquid contained by E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous and objects to the request as calling for speculation. WMH is unable to make a reasonable estimate.

ii) If so, describe all practices used to remove liquid from E-6.

Response: WMH objects to the term "practices to remove liquid" as vague and ambiguous. On or around December 28, 2010, no liquid was removed from Cell E-6.

iii) Describe the status of the daily or intermediate cover placed over the waste in E-6.

Response: WMH objects to the term "status" as vague and ambiguous. After the December 19, 2010 storm event, no waste was accepted into Cell E-6, no disposal activities were conducted in Cell E-6, and no cover was placed onto Cell E-6 because Cell E-6 was inundated with water.

d) Describe the performance of the 36-inch pipe and describe any work performed to maintain proper performance.

Response: WMH objects to the term "performance" as vague and ambiguous. Prior to the December 28, 2010 storm and after the December 19, 2010 storm event, GBI did some cleanup work to the 36-inch pipe and restored it to its design functionality. However, during the December 27-28, 2010 storm, the inlet to the 36-inch pipe became congested with rocks and sediment. See enclosed Exhibit "89."

e) Describe any decision made to increase or decrease berms in or around E-6 during the storm event. Describe conversations and provide all available documentation.

Response: WMH objects to the phrases "describe any decision" and "during the storm event" as vague and ambiguous. Prior to the December 28, 2010 storm, WMH made the decision to reinforce the temporary diversion berm in or around E-6.

f) Describe any decision made to open or close the manhole leading to the HOBAS pipe during the storm event. Describe conversations and provide all available documentation.

Response: WMH objects to the phrases "describe any decision" and "manhole leading to the HOBAS pipe" as vague and ambiguous. On or around December 28, 2010, no decision was made to open or close the manhole leading to the HOBAS pipe. In a telephone conversation with Jaime Tanimoto of the DOH CWB, the status of the manhole was discussed; no decision was made to open or close the manhole. See enclosed Exhibit "92."

g) Describe and provide documents of any communications between WMH and DOH regarding this storm event.

Response: Jaime Tanimoto of the DOH CWB was called and notified on December 28, 2010 that the Landfill received 2.25 inches of rain and that storm water had overflowed, and was continuing to overflow, into the sedimentation detention basin. DOH was notified that Cell E-6

had filled with storm water and there was a risk of Cell E-6 overflowing. See enclosed Exhibits "89" and "92." WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

h) Describe and provide documentation regarding communications between WMH and CCH regarding this storm event.

Response: Communication between WMH and the City were often oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. See also Exhibits for request 12(f).

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14. Provide details regarding the storm event on or around 1/10/11, including but not limited to the following:

Response: WMH objects to this request as calling for expertise in storm events. WMH objects to the request as vague and ambiguous as to scope and time. According to the Palehua rain gage data, the storm event on or around January 10, 2011 produced 12.21 inches of rain in total, with 10.68 inches of rain falling in a 24-hour period. Most significant was the short-term intensity of this storm, which generated 7.63 inches of rain during a 6-hour period, 6.23 inches of rain over a 3-hour period, and 3.65 inches of rain over a 1-hour period.

On January 11, 2011, ENV issued a press release stating that the Landfill would be closed in preparation for a large forecasted storm expected Wednesday, January 12, 2011. WMH's contractor worked to ensure that Drainage Inlet ("DI") #1 was functioning properly. This work consisted of grading the area to promote flow into the DI, removing accumulated rock and sediment around DI#1, and fortifying diversion berms directly south of DI#1 to divert flow into the DI. See enclosed Exhibit "97."

Inspections of the Cell E-6 liner systems were performed to determine the extent of damage from the previous storm events in December and in an effort to resume operation of Cell E-6 per WMH's solid waste permit conditions. Additionally inspections were performed on the temporary drainage system and DI#1 to determine if additional measures could be taken to prevent clogging of the temporary drainage inlet. See email from AECOM dated January 12, 2011, enclosed as Exhibit "94."

a) Describe the effect (if any) on the leachate collection system. If no effect, so state.

Response: WMH objects to the term "effect" as vague and ambiguous. On or around January 10, 2011, the LCRS was not operable because of the effects of the earlier storm.

b) Other than water directly falling on E-6, did any water enter E-6?

Response: WMH objects to the term "any water enter" as vague and ambiguous. On or around January 13, 2011, storm water originating from the expansion construction area, up-canyon watershed area, and the side slope watershed areas entered the footprint of Cell E-6.

i) If so, estimate the amount of liquid contained by E-6.

Response: WMH objects to the term "liquid" as vague and ambiguous and objects to this request as calling for speculation. Based on pumping records, approximately 15 million gallons of water were removed from Cell E-6 after the January 12-13, 2011 storm event.

ii) If so, describe all practices used to remove liquid from E-6.

Response: WMH objects to the terms "practices used to remove" and "liquid" as vague and ambiguous. WMH pumped accumulated storm water from E-6 into vacuum trucks and third party contractors transported the pumped water to local WWTPs. In addition, on or around January 14, 2011 through January 16, 2011 and pursuant to oral authorization by Mr. Gary Gill, Deputy Director of the State of Hawaii DOH, WMH pumped accumulated storm water from E-6 into the HOBAS access portal #4 (MH#4).

iii) Describe the status of the daily or intermediate cover placed over the waste in E-6.

Response: WMH objects to the term "status" as vague and ambiguous. After the December 19, 2010 storm event, no waste was accepted into Cell E-6, no disposal activities were conducted in Cell E-6, and no cover was placed onto Cell E-6, because Cell E-6 was inundated with water.

c) Describe the performance of the 36-inch pipe.

Response: WMH objects to the term "performance" as vague and ambiguous. On or around January 12, 2011, the inlet to the 36-inch pipe became congested with rocks and sediment.

d) Describe, and provide an estimate of the amount, of the solid waste that discharged from the landfill. Describe where in the landfill the waste came from and describe the conditions that led to its release.

Response: WMH objects to this request on the grounds that it calls for speculation and objects to the term "solid waste" as vague and ambiguous. The rain event on or around January 13, 2011 caused storm water from the up-canyon watershed to erode a portion of the box channel component of the Western Drainage Project, causing storm water to enter Cell E-6. In addition, the storm water overflowed the sedimentation detention basin. Other areas of the Landfill were also affected by the rainfall and runoff from the storm event on or around January 12, 2011. At that time, WMH personnel observed that soil cover had been impacted in areas of Cell 4B.

On or around January 13, 2011, WMH employees determined that solid waste may have left the facility. When a visual inspection was conducted by WMH personnel at the discharge outlets at approximately 8:30 a.m. on January 13, 2011, a small amount of debris was observed at the outlet. No medical waste was observed in the debris. WMH cannot estimate the amount of solid waste that may have been dislodged or released on or around January 10, 2011. However, WMH kept track of the amounts of debris collected from the local area following the storm event. Approximately 52 40-gallon bags of debris were collected. See Exhibit "101."

e) Describe any decision made to increase or decrease berms in or around E-6 during the storm event. Describe conversations and provide all available documentation regarding these decisions.

Response: WMH objects to the phrase "describe any decision" as vague and ambiguous. On or around January 13, 2011, WMH made the decision to double the width of the temporary berm located directly south of Cell E-6, which had been in place since December 19, 2010, in

order prevent impact to the nearby Kahe Power Plant. Following the December 27-28, 2010 storm event, there were concerns expressed by the City and HECO regarding storm water from the up-canyon watershed area flowing towards the adjacent Kahe Power Plant. A HECO engineer from Kahe Power Plant visited the site to view the temporary berm that had been constructed adjacent to Cell E-6. The HECO engineer concurred with WMH's decision to construct the berm to contain water and prevent any overflow onto the property of the Kahe Power Plant.

f) Describe any decision made to open or close the manhole leading to the HOBAS pipe during the storm event. Describe conversations and provide all available documentation.

Response: WMH objects to the phrases "describe any decision" and "manhole leading to the HOBAS pipe" as vague and ambiguous. On or around January 13, 2011, no decision was made to open or close the manhole leading to the HOBAS pipe during the storm event.

g) Describe and provide documents of any communications between WMH and DOH regarding this storm event.

Response: The majority of communications with DOH regarding this storm event were oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available.

On January 13, 2011, representatives from WMH, CCH, and DOH held a conference call to inform DOH of the situation at WGSL. During this conference call, Mr. Gary Gill, Deputy Director of the State of Hawaii Department of Health orally authorized pumping of accumulated storm water from Cell E-6 into MH#4, which led to the Landfill's NPDES discharge point. The pumping took place from January 14, 2011 until January 16, 2011. See enclosed Exhibits "82" and "93."

h) Describe and provide documentation regarding communications between WMH and CCH regarding this storm event.

Response: The majority of communications with CCH regarding this storm event were oral. WMH is still reviewing documents and reserves the right to produce additional responsive, non-privileged documents as they become available. See enclosed Exhibits "20", "83", "129", "131" and also Exhibits for request 12(f).

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15. Describe all changes made to control storm water discharges from the site since January 15, 2011.

Response: WMH objects to the term "changes" as vague and ambiguous. On February 15, 2011, the Western Surface Water Drainage Project diversion structure was rendered 'functionally complete' per the terms of the EPA Region IX AOC Section 19.b. See enclosed Exhibit "67." On or around February 15, 2011, the diversion structure was in place and the Box Culvert section was connected to the HOBAS FRP pipe system, such that storm water originating from the up-canyon watershed could be diverted around the Landfill. Work to complete the system has continued on the Box Culvert and other sections of the Western Drainage Channel. WMH also restored the sedimentation detention basin to its design function and capacity.

16. *Describe all proposed changes to the storm water system, provide proposed dates of completion.*

Response: WMH objects to the term "changes" as vague and ambiguous. The lower portion of the Western Drainage System from the HECO bridge to below the sedimentation detention basin will be constructed starting in 2011 and completed in mid-2012. WMH plans to construct the Eastern Drainage System starting in 2012 and the Northern Drainage system in late-2011. The approved plans set forth the specific details for the Western Drainage System, Eastern Drainage System and Northern Drainage System. See enclosed Exhibits "49" and "54." Maintenance and cleanout work will continue to be performed as required on the sedimentation detention basin.

Certification

I certify under penalty of law that this submission was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of those who manage the system or are directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations under the Clean Water Act and 18 U.S.C. §1001.

Joseph R. Whelan
General Manager
Waste Management of Hawaii, Inc.

Signed this 1st day of August, 2011

INDEX OF EXHIBITS TO 8/1/11 WMH RESPONSES TO EPA RFI DATED 5/6/11

Exhibit No.	Date	Doc Description	Bates- No.
1	October 2010	Construction Quality Assurance Report for Cell E-6 (Partial) Waimanalo Gulch Sanitary Landfill Kapolei, O'ahu, Hawai'i (133 pgs.)	WMH00757-889
2	October 21, 2010	Email chain re: Cell E6 CQA & Buttress Construction Sequence (3 pgs.) Attachment: 10/21/2010 Letter from S. Chang to J. Whelan and T. Steinberger re: Cell E6 Sump Area CQA Report and Sequence of West Berm Buttress Construction	WMH00890-892
3	March 29, 2011	Email[1] from R. Boyle to J. Frey re: Copy of Date Stamped DOH Liner Notification Letter for Cell E6 (2 pgs.) Attachment: 03/18/2011 Letter from R. Boyle to S. Chang re: Notification of Liner Installation at the Waimanalo Gulch Sanitary Landfill, Kapolei, HI	WMH00893-894
4	June 15-16, 2010	Email chain among J. Frey, T. Miyashiro, L. Ichinotsubo, J. Whelan, R. Von Pein, and J. Lottig re: Conflict between WGSL June 2010 permit and Technical Specs, Cells E5 through E8 (2 pgs.)	WMH00895-896
5	May 28, 2010	Email chain among J. Lottig, J. Whelan, J. Fujimoto, W. Hamada, and J. Frey re: Permit Revisions (3 pgs.)	WMH00897-899
6	July 9, 2010	Email from R. Boyle to L. Ichinotsubo and T. Miyashiro re: Notification of Liner Placement (2 pgs.) Attachment: 07/09/2010 Letter from R. Boyle to S. Chang re: Notification of Liner Installation at the Waimanalo Gulch Sanitary Landfill	WMH00900-901

[1] Reference to party names in the descriptions of email trees are generally limited to the principal parties to the communications and do not necessarily include all recipients such as cc's.

Exhibit No.	Date	Doc Description	Bates- No.
7	May 25, 2010	Email from J. Fujimoto to J. Lottig, J. Frey, and J. Whelan re: Permit Revisions (11 pgs.) Attachment: Redline Draft of Permit No. LF-0182-09	WMH00902-912
8	January 13-14, 2010	Email chain among L. Ichinotsubo, J. Frey, and T. Miyashiro re: Waimanalo Gulch LF: Expansion Construction Drawings (1 pg.)	WMH00913
9	May 28, 2010	Email chain between T. Miyashiro and J. Frey re: WGSL CQA Manual for Expansion Construction (2 pgs.)	WMH00914-915
10	January 13, 2010	Email from J. Frey to T. Miyashiro and L. Ichinotsubo re: Waimanalo Gulch LF: Expansion Construction Drawings (5 pgs.) Attachment: Landfill Operations and Construction Construction Drawings Cells E5 through E8 January 2010 Title Page 01/2010 Construction Drawings – Site Plan and Existing Topography – Sheet 2	WMH00916-920
11	January 13, 2010	Email from J. Frey to T. Miyashiro, L. Ichinotsubo re: Waimanalo Gulch LF: Expansion Construction Drawings (email 2 of 5) (15 pgs.) Attachment: 01/2010 Construction Drawing – Base Grading Plan and LCRS Layout in Cells E5 – E7 01/2010 Construction Drawing – Base Grading Plan Cells E8 01/2010 Construction Drawing – Containment System Details I - VII (Cells E5 through E8) 01/2010 Construction Drawing – Stage 1 MSW Placement Prior to Phase 2 West Berm	WMH00921-935

Exhibit No.	Date	Doc Description	Bates- No.
		01/2010 Construction Drawing – Phase 2 West Berm Prior to Stage 2 MSW Placement 01/2010 Construction Drawing – Stage 2 MSW Placement Prior to Phase 3 West Berm 01/2010 Construction Drawing – Phase 3 West Berm Prior to Stage 3 MSW Placement 01/2010 Construction Drawing – Stage 3 MSW Placement above Cells EE5 and E6	
12	January 13, 2010	Email from J. Frey to T. Miyashiro, L. Ichinotsubo re: Waimanalo Gulch LF: Expansion Construction Drawings (email 3 of 5) (8 pgs.) Attachment: 01/2010 Construction Drawing – West Berm Final Cover Details 1 (Cells E5 through E8) 01/2010 Construction Drawing – Construction Cross Section - - Section S-1 (Cells E5 through E8) 01/2010 Construction Drawing – Construction Cross Section - - Section S-2 (Cells E5 through E8) 01/2010 Construction Drawing – Containment System Details VIII - X (Cells E5 through E8) 01/2010 Construction Drawing – Cell Boundaries and Proposed Liner Limit (Cells E5 through E8)	WMH00936-943
13	January 13, 2010	Email from J. Frey to T. Miyashiro, L. Ichinotsubo re: Waimanalo Gulch LF: Expansion Construction Drawings (email 4 of 5) (18 pgs.) Attachment: Waimanalo Gulch Landfill Western Surface Water Drainage Project January 2010 Drawing Nos. C-00 through C-17	WMH00944-961

Exhibit No.	Date	Doc Description	Bates- No.
14	January 13, 2010	Email from J. Frey to T. Miyashiro, Ll. Ichinotsubo re: Waimanalo Gulch LF: Expansion Construction Drawings (email 5 of 5) (8 pgs.) Attachment: Waimanalo Gulch Landfill Western Surface Water Drainage Project Plan and Profile Modifications Drawing Nos. C-02, C-18 through C-23	WMH00962-969
15	September 21, 2010	Email from J. Whelan to D. Lum, L. Tokura re: WGSL Response to September 13 Letter (4 pgs.) Attachment: Letter, J. Whelan to A. Wong re: Response to September 13, 2010 Letter regarding Notice of General Permit Coverage Figure 1 – Storm Water Pollution Control Plan Update	WMH00970-973
16	July 6, 2010	Email from M. Heahlke, F. Settepani re: Liner Expose (2 pgs.) Attachment: Exiting Liner Location near the E6 sump	WMH00974-975
17	October 8-11, 2010	Email chain among R. Boyle, J. Frey, J. Whelan, R. Von Pein, and F. Settepani re: Waimanalo: Draft of Cell E-6 Partial ed2 (135 pgs.) Attachment: Construction Quality Assurance Report for Cell E-6 (Partial) Waimanalo Gulch Sanitary Landfill Kapolei, O'ahu Hawai'i	WMH00976-1110
18	December 23-24,2010	Email chain re Star-Advertiser query, DOH News Release: Waimanalo Gulch Landfill Discharge Into Ocean (4 pgs.)	WMH004369-4372

Exhibit No.	Date	Doc Description	Bates- No.
19	March 15, 2011	Email from J. Lottig to L. Ichinotsubo re: Sediment Sample Results for WGSL Attachments: WGSL Storm Sediment Results 01-28-2011 DOH Aresenic Background HEER News – January 2011	WMH004341-4361
20	January 7, 2011	Email from Wayne Hamada to Justin Lottig and Joseph Whelan re Discharge Info Waianae and Kailua WWTPs (1 pg.)	WMH004373
21	September 28, 2010	Emails between R. Boyle, B. Haggerty, D. Frerich re: Cell 6 As-Built Survey (1 pg.)	WMH001111
22	August 20, 2010	Emails between J. Frey, M. Heahlke, B. Haggerty re: Date for Waste Placement in E6	WMH001112-1113
23	January 10, 2011	Email chain between Joseph Whelan, Wayne Hamada re Info Request (2 pgs.)	WMH004374-4375
24	January 4, 2011	Investigations Report Date of Investigation: 12/23/2010 (7 pgs.)	WMH004362-4368
25	December 20, 2010	Email chain among Wayne Hamada, Joseph Whelan, Justin Lotting, and Ponciana Quindica re Complaint of Storm Water Runoff coming from Waimanalo Gulch (2 pgs.)	WMH004398-4399
26		INTENTIONALLY LEFT BLANK	WMH00
27	December 20, 2010	Email chain among Wayne Hamada, Joseph Whelan, Justin Lotting, and Ponciana Quindica re Complaint of Storm Water Runoff coming from Waimanalo Gulch (2 pgs.)	WMH004376-4377
28	January 6, 2011	Emails between Wilma Namumnart and Joseph Whelan re Landfill projections (2 pgs.)	WMH004378-4379
29	January 10, 2011	Emails between Wayne Hamada to Joseph Whelan re Info Request (2 pgs.)	WMH004380-4381

Exhibit No.	Date	Doc Description	Bates- No.
30	December 30, 2010 & January 11, 2011	Email chain re Incident Alert and Follow Up on Today's DOH Inspection (4 pgs.)	WMH004382-4385
31	June 16-17, 2010	Email chain among J. Frey, T. Miyashiro, L. Ichinotsubo, H. Sharma, F. Settepani re: Waimanalo: Conflict between WGSL June 2010 permit and Technical Specs, Cells E5 through E8 (3 pgs.)	WMH001114-1116
32	September 14, 2010	Email from F. Settepani to R. Von Pein re: Waimanalo: gravel sizing (8 pgs.) Attachment: Mechanical Analysis Graph (Proposed Gradation for First 6" Layer: LCRS and OPS. Layers Sieve/ Permeability Test Analysis	WMH001117-1124
33	July 28, 2010	Email from F. Settepani to B. Haggerty, D. Rhodes, M. Heahlke re: Waimanalo: Response to RFI 041 (9 pgs.) Attachment: Request for Information 041 – LCRS Gradation Specification	WMH001125-1133
34	January 6, 2011	Email from Joseph Whelan to Wilma Namumnart re Landfill projections (1 pg.)	WMH004386
35	September 30, 2010	Email chain among B. Haggerty, R. Von Pein, J. Frey, J. Whelan, F. Settepani, L. Sansone, H. Sharma re: RFI 52.1 (13 pgs.) Attachment: Request for Information 052.1 – LCRS Drainage Gravel	WMH001134-1146
36	October 11, 2010	Email chain between J. Whelan, L. Ichinotsubo, J. Lottig re: WGSL Cell 6 Sump Request (6 pgs.) Attachment: 08/13/2010 Letter from J. Whelan to S. Chang re: Cell E6 Sump Request	WMH001147-1152

Exhibit No.	Date	Doc Description	Bates- No.
37	August 27, 2010	Email chain among J. Frey, R. Boyle, D. Frerich, M. Heahlke, B. Haggerty re: WGSL Ops Material (8 pgs.) Attachment: Sieve/Permeability Test Analysis	WMH001153-1160
38	January 10, 2011	Emails between Wayne Hamada and Joseph Whelan re Info Request (2 pgs.)	WMH004387-4388
39	August 31, 2010	Email from R. Boyle to F. Settepani re: LCRS and Operations Layer Test Results (13 pgs.) Attachment: Sieve/Permeability Test Analysis Sample # LCRS-10 Sieve/Permeability Test Analysis Sample # LCRS-05 Sieve/Permeability Test Analysis Sample # LCRS-OPS-01	WMH001165-1173
40	August 23, 2010	Email from D. Frerich to M. Heahlke, B. Haggerty re: LCRS Data (11 pgs.) Attachment: Sieve/Permeability Test Analysis Sample # LCRS-06	WMH001174-1184
41	September 13, 2010	Email from B. Haggerty to R. Von Pein, F. Settepani, H. Sharma re: LCRS Gradations (4 pgs.) Attachment: Construction Engineering Labs Test Results Sieve Test Analysis Sample # LCRS-13	WMH001185-1188
42	July 21, 2010	Email from R. Boyle to M. Heahlke, B. Haggerty re: LCRS material gradation and permeability (3 pgs.) Attachment: Sieve Test Analysis Sample # LCRS-05	WMH001189-1192
43	December 23-24, 2010	Email chain re Rain this Week (2 pgs.)	WMH004389-4390

Exhibit No.	Date	Doc Description	Bates- No.
44	February 25, 2011	Letter, J. Whelan to B. Moxley, S. Tyahla, and S. Yamada re: Administrative Order on Consent Revised Submittals (127 pgs.) Attachment: Collection and Transport of Liquid Behind Temporary Berm – Order 19(d) Beach Assessment and Recovery – Order 19(i)	WMH001193-1319
45	January 25, 2011	Email chain between J. Frey and K. Baylor re: Waste Acceptance at Waimanalo Gulch LF (2 pgs.)	WMH001320-1321
46	January 28, 2011	Email chain between A. Kabei and J. Whelan, and K. Baylor to J. Frey re: Notice of EPA Approval to Operate Cell E6 at Waimanalo Gulch Landfill (3 pgs.)	WMH001322-1324
47	June 4, 2010	Solid Waste Management Permit No. LF-0182-09 (63 pgs.)	WMH000001-000063
48	March 11 and 15, 2011	Email among J. Whelan, S. Tyahla, A. Kabei, S. Armann, R. Vaille, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, and S. Chang re Updated Storm Water Management PAlan (35 pgs.) Attachment: March 2011WGSL Surface Water Management Plan	WMH001325-1326
49	November 2009	Western Surface Water Drainage Project (51 pgs.)	WMH001327-1377
50	September 13, 2010	Letter from A. Wong to J. Whelan re: Clarification of Condition No. 1 of the Notice of General Permit Coverage issued on August 30, 2010 (1 pg.)	WMH001378
51	September 13, 2010	Letter from T. Steinberger to J. Whelan re: West Side Drainage Project (1 pg.)	WMH001379
52	September 14, 2010	Letter from J. Whelan to T. Steinberger re: Response to ENV Authorization, Lower West Side Drainage Project (1 pg.)	WMH001380
53	January 6, 2011	Emails between Joseph Whelan and Wilma Namumnart re Landfill projections (2 pgs.)	WMH004391-4392

Exhibit No.	Date	Doc Description	Bates- No.
54	undated	WGSL – Lower Western Bypass – Design, Bid and Construction Schedule (Preliminary) (2 pgs.)	WMH001381-1382
55	May 20, 2011	Email from R. Boyle to J. Frey re: Construction Plans, Interim On-Site Drainage Measures, WGSL (17 pgs.) Attachment: Construction Plans, Interim On-Site Drainage Measures	WMH001383-1399
56	August 2006	Construction Plans, Phase 1 Interim On-Site Drainage Measures (14 pgs.)	WMH001400-1413
57	February 1, 2011	WGSL – Storm Water Management Update and Contingency Plan (2 pgs.)	WMH001414-1415
58	February 18, 2011	WGSL – Storm Water Management Update and Contingency Plan (Revised) (3 pgs.)	WMH001416-1418
59	February 25, 2011	Email from J. Whelan to B. Moxley, S. Tyahla, S. Yamada, S. Chang, A. Wong re: AOC – Response to EPA Comments on WGSL February 1, 2011 Submittals (26 pgs.) Attachments: 02/22/2011 Letter from H. Sharma to R. Von Pein re: Evaluation of Hydraulic Head Below Liner System – Findings 02/21/2011 Letter from W. Rettberg to R. Von Pein re: Work Plan for Sedimentation Basin Restoration – WGSL 02/25/2011 Letter from J. Whelan to B. Moxley, S. Tyahla, S. Yamada re: Administrative Order on Consent Revised Submittals	WMH001419-1444
60	February 1, 2011	Letter from J. Whelan to B. Moxley, K. Baylor, S. Yamada re: Administrative Order on Consent Submittals (31 pgs.)	WMH001445-1475

Exhibit No.	Date	Doc Description	Bates- No.
61	August 30, 2010	Notice of General Permit Coverage, National Pollutant Discharge Elimination System [NPDES Permit] (6 pgs.)	WMH000706-711
62	July 2008	Storm Water Pollution Control Plan (73 pgs.)	WMH001476-1585
63	August 31, 2009	Surface Water Management Plan (51 pgs.)	WMH000636-686
64	May 5-6, 2011	Email chain between S. Tyahla and J. Whelan re: WGSL Request to Extend Completion Deadline – AOC (4 pgs.)	WMH001586-1589
65	April 25-26, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: WGSL AOC Progress Report for Week Ending April 24, 2011 (3 pgs.)	WMH001590-1592
66	April 12-13, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: WGSL AOC Progress Report for Week Ending April 10, 2011 (3 pgs.)	WMH001593-1595
67	April 5-6, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: WGSL AOC Progress Report for Week Ending April 3, 2011 (4 pgs.)	WMH001596-1599
68	March 22, 2011	Email chain between J. Whelan, S. Tyahla re: Proposed due date for Revised SWPCP (3 pgs.)	WMH001600-1602
69	March 4, 11, 15, 2011	Email chain between S. Tyahla and J. Whelan re: Concurrence on 15 May 2011 deadline for sedimentation basin restoration (4 pgs.)	WMH001603-1606
70	March 9-10, 2011	Email chain J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report for March 9, 2011 (3 pgs.)	WMH001607-1609

Exhibit No.	Date	Doc Description	Bates- No.
71	March 4, 2011	Email chain between J. Whelan and S. Tyahla re: Daily Progress Report for March 3, 2011 (3 pgs.)	WMH001610-1612
72	February 24-25, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report February 24, 2011 & EPA visit 10 March (3 pgs.)	WMH001613-1615
73	February 23-24, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report for February 21st (4 pgs.)	WMH001616-1619
74	February 21-22, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report for February 21st (3 pgs.)	WMH001620-1622
75	February 17-18, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report for February 16, 2011 (4 pgs.)	WMH001623-1626
76	February 16-17, 2011	Email chain among J. Whelan, A. Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Helmlinger, S. Wall, S. Yamada, S. Chang, A. Wong re: Daily Progress Report for February 16, 2011 (3 pgs.)	WMH001627-1629
77	December 14, 2009	Letter from J. Whelan to S. Chang re: Solid Waste Management Permit Application for renewal with Modification for Expansion, No. LF-0065-07 (22 pgs.)	WMH001630-1651
78		INTENTIONALLY LEFT BLANK	
79	June 2010 – March 2, 2011	Rainfall Data from the Waimanalo Gulch Landfill Rain Gage (837 pgs.)	WMH001652-2488
80	March 2011 - May 2011	Rainfall Data from the Waimanalo Gulch Landfill Rain Gage (281 pgs.)	WMH002489-2769

Exhibit No.	Date	Doc Description	Bates- No.
81	January 12, 2011	Email from J. Whelan to T. Miyashiro and L. Ichinotsubo re: Request for Approval to Resume Cell 6 Waste Receipts (4 pgs.) Attachments: Cell E6 01/12/2011 Email from R. Boyle to J. Whelan re: Assessment of Northwestern Portion of Cell E6 for MSW Placement, Waimanalo Gulch Sanitary Landfill	WMH002770-2773
82	January 12-13, 2011	Email chain among J. Whelan, T. Miyashiro, L. Ichinotsubo re: Request for Approval to Resume Cell 6 Waste Receipts (2 pgs.)	WMH002774-2775
83	January 13, 2011	Letter from T. Steinberger to G. Gill, S. Chang, J. Seto re: Storm Water Drainage (6 pgs.)	WMH000311-316
84	January – February 2011	Pumping Log Summary re: Storm Water from E6 (15 pgs.)	WMH002776-2786
85	January 2011	WGSL – Water Transported to Local WWTPS from E6 (15 pgs.)	WMH000742-0756
86	January 7, 2011	Email chain among W. Hamada, J. Lottig, J. Whelan, D. Barragan, J. Chang, W. Yuen, J. Frey (1 pg.)	WMH002787
87	January 26-28, 2011	Email chain among J. Lottig, D. Barragan, J. Chang re: PCS Daily Scope of Work Job #5583 (5 pgs.)	WMH002788-2792
88	December 15, 2010	Email from J. Lottig to L. Ichinotsubo re: Incident Alert – High Leachate Level at WGSL (3 pgs.) Attachments: 12/15/2010 Letter from J. Lottig to L. Ichinotsubo submitting Incident Alert Form Incident Alert Form	WMH002793-2795

Exhibit No.	Date	Doc Description	Bates- No.
89	December 30, 2010	Email from J. Lottig to L. Ichinotsubo re: Incident Alert and Follow up on Today's DOH Inspection (19 pgs.) Attachments: 12/28/2010 WGSL Severe Storm Damage Report 12/20/2010 WGSL Severe Storm Damage Report Incident Alert Form Follow Up	WMH000687-0705
90	December 21-23, 2010	Email chain from J. Lottig to T. Miyashiro re: Rain this week (3 pgs.) Attachment: Incident Alert Form	WMH002796-2798
91	January 7, 2011	Email from J. Lottig to M. Kurano, J. Tanimoto re: Request for Information from DOH CWB (5 pgs.) Attachments: Monthly Climatological Summary for Dec 2010 Drawing 1, MSW Cell E6 (Partial) Limits of Liner System and Liner Subgrade Topography WGSL Storm Water Monitoring Stations, 23 December 2010 Discharge Event, Lab Final Data Summary Table	WMH002799-2803
92	December 28, 2010	Email from J. Tanimoto to J. Lottig re: Memo of your phone call (2 pgs.) Attachment: Phone Call/Visit Report re call from J. Lottig to J. Tanimoto re: WGSL	WMH002804-2805
93	January 11, 2011	Email chain between T. Miyashiro, J. Lottig and L. Ichinotsubo re: Incident Alert and Follow Up on Today's DOH Inspection (3 pgs.)	WMH002806-2808

Exhibit No.	Date	Doc Description	Bates- No.
94	January 12, 2011	Email from R. Boyle to J. Whelan re: Assessment of Northwestern Portion of Cell E6 for MSW Placement, WGSL (2 pgs.)	WMH002809-2810
95	January 11, 2011	Email chain among, J. Lottig, L. Ichinotsubo, T. Miyashiro, J. Whelan re: Incident Alert and Follow Up on Today's DOH Inspection (5 pgs.)	WMH002811-2815
96	April 7, 2011	Letter from Ronald Boyle to Joe Whelan re Cell E6 Sump Damage Assessment, Waimanalo Gulch Sanitary Landfill, Kapolei, HI (5 pgs.)	WMH004393-4397
97	January 12, 2011	Email from M. Heahlke to J. Frey and J. Whelan re: DI#1 Functioning 01/12/11 (2 pgs.) Attachment: Photo (BW Photo)	WMH002816-2817
98	January 21, 2011	WGSL Stormwater Management Update and Contingency Plan (2 pgs.)	WMH002818-2819
99	January 6, 2011 – February 2, 2011	PCS Pumping Log Summary re: Storm Water from E6 (4 pgs.)	WMH002820-2827
100	Undated	Pump Log (10 pgs.)	WMH002828-2837
101	Undated	WGSL Storm Cleanup (1 pg.)	WMH002838
102	January 16, 2011	Email from M. Heahlke to J. Frey re Temp Berm (1 pg.)	WMH002839
103	February 1, 2011	Email from R. Von Pein to W. Hamada re: Western Drainage System (1 pg.)	WMH002840
* 104	February 9, 2011	Email from R. Von Pein to W. Hamada re: Western Drainage System Proposal (8 pgs.) Attachment: 02/07/2011 Letter from W. Rettberg to R. Von Pein re: Amendment No. 7 Proposal – WGSL – Lower HOBAS Pipeline and Stilling Basin – Final Design, Bid and Construction Services	WMH002841-2848
105	February 8, 2008	Field Information Report (1 pg.)	WMH002849

Exhibit No.	Date	Doc Description	Bates- No.
106	February 14, 2008	Fax Transmittal from A. Nobui to M. Mason (3 pgs.) Attachments: Lab Report and Chain of Custody	WMH002850-2852
107	March 5, 2008	Analytical Report (34 pgs.)	WMH002853-2886
108	July 9, 2008	Field Information Report (1 pg.)	WMH002887
109	July 15, 2008	Lab Report and Chain of Custody from Hawaii Food & Water Testing to Earth Tech (2 pgs.)	WMH002888-2889
110	August 4, 2008	Analytical Report (34 pgs.)	WMH002890-2923
111	November 22, 2008	Field Information Report (1 pg.)	WMH002924
112	December 9, 2008	Laboratory Report (8 pgs.)	WMH002925-2932
113	December 15, 2008	Analytical Report (40 pgs.)	WMH002933-2972
114	May 4, 2010	Field Information Form (1 pg.)	WMH002973
115	May 4, 2010	Field Information Form (1 pg.)	WMH002974
116	May 11, 2010	Lab Report and Chain of Custody from Hawaii Food & Water Testing to AECOM Technical Services (2 pgs.)	WMH002975-2976
117	May 27, 2010	Analytical Report (52 pgs.)	WMH002977-3028
118	June 8, 2010	Analytical Report (53 pgs.)	WMH003029-3081
119	February 25, 2011	Letter, J. Whelan to L. Tokura re: Annual Discharge Monitoring Report and Storm Water Results (2 pgs.)	WMH003082-3083
120	undated	Annual Storm Water Monitoring Results, including the Discharge Monitoring Reports, for the WGSL for monitoring period of January 1, 2010 through December 31, 2010. (269 pgs.)	WMH003084-3353
121	January 3, 2011	Analytical Report (66 pgs.)	WMH003354-3419

Exhibit No.	Date	Doc Description	Bates- No.
122	January 5, 2011	Analytical Report (65 pgs.)	WMH003420-3484
123	January 13, 2011	Field Information Form (5 pgs.)	WMH003485-3489
124	January 21, 2011	Analytical Report (110 pgs.)	WMH003490-3599
125	February 15, 2011	Analytical Report (72 pgs.)	WMH003600-3671
126	February 16, 2011	Analytical Report (110 pgs.)	WMH003672-3781
127	April 20, 2011	Waste Management of Hawaii, Inc.'s Responses to Department of Health's March 17, 2011 Request for Information	WMH003782-3800
127a		Index of Document Produced to DOH in response to the Request for Information	WMH003801-3803
127b		CD containing Exhibits 1-16	WMH000001-000756
128	February 18, 2011	Emails from J. Whelan to A Kabei, S. Armann, R. Vaille, S. Tyahla, B. Moxley, A. Hemlinger, S. Wall, S. Yamada, S. Chang, A. Wong, T. Steinberger, M. Lanuevo, W. Namunart, W. Hamada re: Daily Progress Report for February 18th (3 pgs.)	WMH003804-3806
129	January 25, 2011	Email chain between J. Baginski and J. Lottig re: Water Hauling from WGSL (2 pgs.)	WMH003807-3808
130	January 25, 2011	Email from M. Heahlke to J. Frey re: E6 Sump Riser Update (1 pg.)	WMH003809
131	January 25-26, 2011	Email chain between J. Baginski and J. Lottig re: Water Hauling from WGSL (2 pgs.)	WMH003810-3811
132	January 28, 2011	Email from M. Heahlke to J. Whelan re: E6 Mud Removal (1 pg.)	WMH003812
133	April 2010	Western Surface Water Drainage Project April 2010	WMH003813-3847
134	June 2011	Western Surface Water Drainage Project Lower Western Bypass June 2011	WMH003848-3862

Exhibit No.	Date	Doc Description	Bates- No.
135	January 7, 2011 11:13 a.m.	Email from J. Lottig to M. Kurano and J. Tanimoto re: Request for Information from DOH CWB with attachments (5 pgs.) Attachments: December Weather/Rainfall Data AS-Built Survey of the Operations Layer of Cell E6 WGSL Storm Water Monitoring Lab Final Data Summary Table	WMH000300-304
136	January 10, 2011 6:03 P.m.	Email from J. Lottig to J. Tanimoto and M. Kurano re: CWB Letter with attachment (76 pgs.) Attachments: December 23, 2010 Field Information Form December 23, 2010 Laboratory Reports December 23, 2010 Discharge Monitoring Form	WMH000317-392
137	January 20, 2011 6:51 a.m.	Email from J. Lottig to J. Tanimoto re: DOH Notice December 23, 2010.pdf with attachments (78 pgs.) Attachments: Letter, J. Whelan to K. Poentis re Waimanalo Gulch Sanitary Landfill File No. HI R50A533 December 23, 2010 Field Information Form December 23, 2010 Laboratory Reports December 23, 2010 Discharge Monitoring Form	WMH000394-470
138	January 21, 2011 4:55 p.m.	Email from J. Lottig to M. Tsuji and S. Yamada re: Stormwater Sampling Results from January 13 (2 pgs.) Attachments: January 14, 2011 Storm Water Monitoring Lab Final Data Summary Table	WMH000473-474
139	January 24, 2011 8:42 a.m.	Email from J. Lottig to M. Tsuji and S. Yamada re: Stormwater Sampling Results from January 13 (113 pgs.) Attachments: January 13, 2011 Food Quality Lab Report January 21, 2011 Final Report	WMH000475-587

Exhibit No.	Date	Doc Description	Bates- No.
140	February 28, 2011	Letter, J. Whelan to S. Chang and S. Yamada re: Request to Discharge Stormwater (3 pgs.) Attachment: Results of WGSL Sediment Pond Water Sample Collected on 02/02/2011 Certified Mail Receipts for S. Yamada and S. Chang	WMH003863-3866
141	March 23, 2011	Letter, S. Yamada to J. Whelan and T. Steinberger re: Existing Sedimentation Basin (2 pgs.)	WMH003867-3868
142	2006 – 2011	Hawaiian Steam and Pacific Commercial Services, LLC's Invoices	WMH003869-4337
143	January 13, 2011	Email from R. Von Pein to D. Defrates, R. Walter, and B. Rettberg re: Rainfall (1 pg.)	WMH004338
144	January 18, 2011	Email from R. Von Pein to B. Rettberg, L. Sansone, and J. Frey re: January 12 storm return intervals (2 pgs.) Attachment: Rainfall Return Interval Analysis Period: 01/11/2011 to 01/13/2011	WMH004339-4340